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COMMISSION ON HUMAN RIGHTS

Fifty-sixth session

SUMMARY RECORD OF THE 60th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 20 April 2000, at 10 a.m.

Chairman: Mr. SIMKHADA (Nepal)

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CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTIONS OF:

(a) TORTURE AND DETENTION

(b) DISAPPEARANCES AND SUMMARY EXECUTIONS

(c) FREEDOM OF EXPRESSION

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The meeting was called to order at 10.10 a.m.

CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTIONS OF:

(a) TORTURE AND DETENTION

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(g) CONSCIENTIOUS OBJECTION TO MILITARY SERVICE

(agenda item 11) (continued) (E/CN.4/2000/L.38-L.44, L.45/Rev.1, L.46-L.51, L.53 and L.54; E/CN.4/2000/2-E/CN.4/Sub.2/1999/54, chapter I, draft decision 7)

Draft resolution on hostage-taking (E/CN.4/2000/L.38)

1. Mr. BOYCHENKO (Russian Federation), introducing the draft resolution on behalf of its sponsors, said that hostage-taking was a grave violation of human rights which could not be justified under any circumstances. It was a phenomenon which knew no borders, and the international community was required to take decisive and concerted measures to put an end to that barbaric practice. The draft resolution was based on previous Commission resolutions on the subject, and he hoped that it could adopted by consensus. By so doing the Commission would be in conformity with the Vienna Declaration and Programme of Action in expressing its deep concern at the extremely negative consequences of hostage-taking for the realization of human rights.

2. At the request of one of the sponsors, he was restoring the original text of the fourth preambular paragraph from Commission resolution 1999/29, so that the paragraph would read: "Recalling its previous resolutions on the subject, in particular its resolution 1992/23 of 28 February 1992, in which it condemned the taking of any person as a hostage".

3. Mrs. IZE-CHARRIN (Secretary of the Commission) said that the representatives of Colombia, El Salvador, Nepal, Portugal and the United Kingdom and the observers for Nicaragua and Uruguay had become sponsors of the draft resolution.

4. The draft resolution, as orally revised, was adopted.

Draft resolution on human rights and terrorism (E/CN.4/2000/L.39)

5. Mr. MERIC (Observer for Turkey), introducing the draft resolution on behalf of its sponsors, said that, if adopted, it would constitute the latest in a series of similar resolutions adopted in the Commission and the General Assembly since the last World Conference on Human Rights. It once again reflected the unequivocal condemnation by the international community of terrorism in all its forms and manifestations and expressed the international community's serious concern at the gross violations of human rights perpetrated by terrorist groups.

6. He observed with satisfaction that the basic understanding of the Vienna Declaration and Programme of Action that terrorism destroyed and violated human rights was rapidly gaining ground. The Special Rapporteur of the Sub-Commission had confirmed that understanding in her preliminary report presented to the Sub-Commission in 1999. The European Parliament, in its resolution entitled "Respect for human rights in the European Union", adopted on 16 March 2000, had also explicitly stated that terrorism was a violation of human rights. The European Parliament's commendable stance against terrorism in the field of human rights was in stark contrast to the abstention that the European Union had been displaying in the Commission in recent years.

7. The draft resolution drew attention once again to the connection between the provision of safe haven and impunity given to terrorists, which unfortunately existed despite all national and international efforts, and the continued occurrence of terrorism with its negative effects in the field of human rights. It highlighted the possibility of massive damage, including huge loss of human life, being caused by the terrorist exploitation of new technologies. The draft resolution also aimed to address the shortcomings that the Special Rapporteur of the Sub-Commission faced in terms of finance and staff resources.

8. He wished to give a clear understanding to the Commission that the draft resolution was without prejudice to the right of peoples under colonial or other forms of alien domination or foreign occupation to take any legitimate action, in accordance with the Charter of the United Nations, to realize their inalienable right to self-determination. That should not be construed, however, as authorizing or encouraging any action that would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign, independent and democratic States.

9. If the draft resolution were adopted, its paragraph 11 would supersede draft decision 7 proposed by the Sub-Commission and entitled "Terrorism and human rights".

10. Mrs. IZE-CHARRIN (Secretary of the Commission) said that the representatives of Colombia and El Salvador and the observer for Cameroon had become sponsors of the draft resolution.

11. Mr. BOYCHENKO (Russian Federation) said it was extremely important that the Commission should continue to devote attention to the negative impact of terrorism on human rights. Terrorism represented a serious threat to democracy and the institutions of civil society. Its manifestations were encountered by many States in all parts of the world, and the issue deserved to remain on the Commission's agenda.

12. Mr. ZIVKOVIC (Office of the High Commissioner for Human Rights), outlining the financial implications of the draft resolution, said that under its terms the Commission would approve the Sub-Commission's request to the Secretary-General to give the Special Rapporteur all the assistance necessary in order to hold consultations with the competent services and bodies of the United Nations, to complement her essential research and to collect all the up-to-date information and data needed for the preparation of the progress report. The activities envisaged by the draft resolution would consist of two trips to Geneva and one to Vienna at an estimated total cost of US$ 13,800. The budget for the biennium 2000-2001 included provisions to cover one trip per year by the Special Rapporteur to Geneva for consultations and to present the report to the Commission as well as general temporary assistance provisions in support of the mandate. It did not include any provisions to cover the additional activities envisaged. However, it was anticipated that the costs arising from those additional activities would be absorbed within existing resources.

13. Mr. KOH (United States of America), speaking in explanation of vote before the voting, said that his Government clearly understood that terrorists and terrorist groups did not respect human rights and fundamental freedoms, and it had a strong and continuing commitment to combat the evil of terrorism which included cooperating fully with the appropriate mechanisms established by the international community. Unfortunately, however, the sponsors of the draft resolution had again included language that granted terrorists and terrorist organizations a measure of legitimacy by equating their conduct with that of States. States were held responsible for human rights violations. Terrorists, on the other hand, were not State actors but criminals who bore individual responsibility for their actions. For that reason, his delegation believed that the subject of terrorism was best addressed in other forums, such as the Sixth Committee of the General Assembly. He called for a vote to be taken on the draft resolution, and said that, with regret, his delegation would again be obliged to abstain.

14. Mr. MENDONÇA E MOURA (Portugal), speaking on behalf of the European Union and the associated countries of Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia and Slovenia, said that the Union reaffirmed its unequivocal condemnation of all acts, methods and practices of terrorism as criminal and unjustifiable, wherever and by whomsoever committed and whatever the considerations invoked to justify them. The fight against terrorism remained a matter of the highest priority for the Union, which believed that efforts to combat terrorist acts should at all times be compatible with full respect for human rights and fundamental freedoms, and that the fight against terrorism had to be carried out in accordance with international human rights law.

15. As a matter of principle, the Union could not subscribe to the assertion that terrorist acts as such constituted human rights violations. A clear distinction had to be made between acts which were attributable to States and criminal acts which were not, in order to avoid conferring upon terrorists any status under international law. For that reason the twenty-first preambular paragraph and paragraphs 1 and 2 were unacceptable.

16. The Union was still of the opinion that the Sixth Committee of the General Assembly was the forum best suited for a thorough examination of the question of terrorism, and it could therefore not support such an issue remaining on the Commission's agenda. The Union had participated in consultations on the draft resolution with a view to making the text more acceptable and in line with international human rights law. That not being the case, the Union would be voting against the draft resolution.

17. Mr. DE ICAZA (Mexico) said that his Government resolutely and unequivocally condemned all acts, methods and practices of terrorists. However, with regard to the twenty-first preambular paragraph of the draft resolution, his delegation was concerned about the linkages established between terrorist acts and human rights, identifying terrorist acts as human rights violations rather than as crimes. The legal and conceptual difference between the two and their consequences continued to be the most appropriate approach for the international community to take in its struggle against the crime of terrorism. For that reason, his delegation would abstain from voting on the draft resolution.

18. Mr. NAESS (Norway) said that his country condemned all acts and methods of terrorism and remained deeply committed to international efforts to combat it. However, his delegation believed that the Sixth Committee of the General Assembly was the forum best suited for a thorough examination of the question of terrorism, and could not accept the assertion in the draft resolution that terrorist groups committed violations of human rights. In his Government's view, terrorists committed crimes for which they had to be brought to justice. Although acts of terrorism could have serious effects on the enjoyment of human rights, human rights obligations rested solely with Governments. For those reasons, he was compelled to vote against the draft resolution.

19. Mr. SUMI (Japan) said that his Government unequivocally condemned all acts, methods and practices of terrorism and was committed to enhancing international cooperation in the fight against it, but it could not support the understanding that terrorist groups violated human rights, as described in the twenty-first preambular paragraph of the draft resolution. Terrorists were criminals. Furthermore, the issue of terrorism should be dealt with in another forum, rather than in the Commission. His delegation would abstain from voting on the draft resolution.

20. Ms. CHATSIS (Canada) said that her country strongly condemned the use of violent means to bring about political change, and had been at the forefront of the international fight against terrorism. Nevertheless, her delegation was unable to support the draft resolution, which failed to address the questions raised by the perpetration of terrorist acts in relation to human rights. The Commission's principal responsibility was to address violations by States of the human rights obligations they had with respect to their citizens pursuant to international law. While acts of terrorism unquestionably had tragic consequences for the enjoyment of human rights, terrorism was a crime and terrorists should not be accorded special status by being treated

as anything other than criminals. Terrorism was thus not an issue that should be dealt with by the Commission. It should be addressed, and was being addressed, in other forums, such as the Sixth Committee of the General Assembly. In view of its serious concerns about the substance of the draft resolution, her delegation would vote against it.

21. Mr. OYARCE (Chile) reiterated his Government's view that the concept of human rights violations was institutional and as such imputable only to States and their agents. His delegation reaffirmed its condemnation of all forms of terrorism and its belief that terrorism was a phenomenon that should be dealt with in other forums. Maintaining that terrorist acts constituted violations of international law distorted the international human rights doctrine and might affect the international system of protection of human rights, weakening the responsibility of States in the matter. His delegation would abstain in the vote.

22. Mr. RODRÍGUEZ CEDEÑO (Venezuela), said that only States assumed obligations in the field of human rights, and so human rights violations were attributable only to them. Acts committed by terrorists were criminal acts. The reference in the twenty-first preambular paragraph of the draft resolution to the violation of human rights by terrorist groups might legitimize those groups by placing their responsibilities on an equal footing with those of States. His delegation would be abstaining in the vote.

23. Mr. IBRAHIM (Sudan), said that his Government unequivocally rejected terrorism in all its forms and, consequently, his delegation would vote in favour of the draft resolution.

24. The draft resolution was adopted by 27 votes to 13, with 12 abstentions.

25. The CHAIRMAN said that action on draft decision 7 recommended by the Sub-Commission was no longer warranted, since it had been superseded by the resolution just adopted.

Draft resolution on extrajudicial, summary or arbitrary executions (E/CN.4/2000/L.40)

26. Mr. RONNAS (Observer for Sweden), introducing the draft resolution on behalf of its sponsors, said that the text of paragraph 6 had been changed, with the approval of the other sponsors. In the second line of that paragraph, the words "honour killings" should be replaced by the words "killings committed in the name of passion or in the name of honour".

27. Having commended the important role of the Special Rapporteur, the Commission noted with concern the large number of killings in the name of passion or honour, of persons killed because of their sexual orientation and of persons killed for reasons related to their peaceful activities as human rights defenders or journalists. It expressed its strong condemnation of all the extrajudicial, summary or arbitrary executions that continued to take place through the world, and demanded that Governments take effective action to combat and eliminate the phenomenon. He hoped that the draft resolution would be adopted without a vote.

28. Mrs. IZE-CHARRIN (Secretary of the Commission) said that the representatives of Argentina, El Salvador, Morocco and the United Kingdom and the observers for Angola, Equatorial Guinea and Georgia had become sponsors of the draft resolution.

29. Ms. RUBIN (United States of America) welcomed in particular the inclusion of paragraph 6, which noted the Commission's concern about killings in the name of honour and cases in which people had been killed because of their sexual orientation. During the current session, ner delegation had already noted its deep concern about women who were killed by relatives for allegedly bringing shame on their families, and had made it clear that Governments must accept their responsibility to prosecute those arbitrary killings. Her delegation had also spoken during the session of the discrimination homosexuals faced in virtually every country and of the need for Governments to prosecute those responsible when such vulnerable individuals were subjected to arbitrary killing.

30. The draft resolution, as orally revised, was adopted.

Draft resolution on human rights and forensic science (E/CN.4/2000/L.41)

31. Mr. RONNAS (Observer for Sweden), introducing the draft resolution on behalf of its sponsors, said that it had been negotiated in open-ended consultations and he hoped that it would be adopted without a vote, as in previous years.

32. Mrs. IZE-CHARRIN (Secretary of the Commission) said that the representatives of Japan, the Philippines, and the United States of America and the observer for Israel had become sponsors of the draft resolution, which had no financial implications.

33. The draft resolution was adopted.

Draft resolution on implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (E/CN.4/2000/L.42)

34. Ms. CHRISTIAN (Observer for Ireland), introducing the draft resolution on behalf of its sponsors, said that it dealt with a fundamental human right, namely, freedom of religion and belief. A new element in the current draft resolution was the change in the title of the Special Rapporteur to reflect the more positive side of his mandate. She thanked all the interested delegations for participating in the open consultations on the draft resolution, and hoped that, as in the past, the Commission would adopt it by consensus.

35. Mrs. IZE-CHARRIN (Secretary of the Commission) said that the representatives of El Salvador, Mauritius, Norway, Philippines and Tunisia and the observers for Cameroon, Israel and Uruguay had become sponsors of the draft resolution, which had no financial implications.

36. The draft resolution was adopted.

Draft resolution on conscientious objection to military service (E/CN.4/2000/L.43)

37. Mr. RYTOVUORI (Observer for Finland) introducing the draft resolution on behalf of its sponsors, said that the right of everyone to have conscientious objections to military service as a legitimate exercise of the right to freedom of thought, conscience and religion, was an issuc that needed further attention from the Commission. The compilation and analysis requested from the Office of the High Commissioner for Human Rights (OHCHR) could serve as a useful tool for

States in their consideration of various forms of alternative service for conscientious objectors or other ways of recognizing the right of conscientious objection to military service in their national legislation or policies. He wished to stress that the draft resolution did not deal with the right of States to maintain an army, nor did it undermine national values or breach the principle of equal application of the law.

38. He drew attention to some changes made to paragraph 2 which should read:

> "Requests the Office of the United Nations High Commissioner for Human Rights to prepare a compilation and analysis of best practices in relation to the recognition of the right of everyone to have conscientious objections to military service as a legitimate exercise of the right to freedom of thought, conscience and religion, and the provision of alternative forms of service, based on the provisions of resolution 1998/77; and to seek such information from Governments, the specialized agencies and relevant intergovernmental and non-governmental organizations, and to submit a report containing this information to the 58th Commission on Human Rights under the agenda item entitled 'The question of conscientious objection to military service'."

39. He hoped that the draft resolution would, as in previous years, be adopted without a vote.

40. The draft resolution, as orally revised, was adopted.

Draft resolution on the draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (E/CN.4/2000/L.44)

41. Mr. GUILLERMET (Observer for Costa Rica), introducing the draft resolution on behalf of its sponsors, said that it sought to establish a mechanism for preventive visits by a group of experts to places of detention. Such visits, and the draft protocol itself, were aimed at prevention, and were based on the principle of technical cooperation and confidentiality as a means to improve conditions in such places. The working group was close to completing its work on the draft optional protocol but a renewal of its mandate was necessary for the purpose. He hoped that the draft resolution would be adopted, as in previous years, by consensus.

42. Mrs. IZE-CHARRIN (Secretary of the Commission) said that the representatives of Germany and the Russian Federation, and the observers for Australia, Nicaragua and Panama had become sponsors of the draft resolution, which had no financial implications.

43. The draft resolution was adopted.

Draft resolution on promoting and consolidating democracy (E/CN.4/2000/L.45/Rev.1)

44. Mr. MAXIM (Romania), introducing the draft resolution on behalf of its sponsors, said that it did not attempt to set up a model of democracy but laid out some essential elements of democracy and a variety of ways in which Governments could promote and consolidate it. Since the draft resolution had first been circulated, a significant number of constructive changes to the

text had been made at the suggestion of delegations, including some that were not sponsors. The revised draft resolution thus reflected broad support for democratic values and practices. He hoped that all delegations would support it.

45. Mr. DUMITRIU (Romania) said that a new preambular paragraph should be inserted between the current fifth and sixth paragraphs to read: "Recalling also General Assembly resolution 53/243 of 13 September 1999, containing the Declaration and Programme of Action for a Culture of Peace,". The first line and half of the second line of the tenth preambular paragraph should read: "Welcoming measures such as the Organization of American States resolution 1080, the Organization of African Unity decision 12/XXXV and ...". In the thirteenth preambular paragraph, the words "Noting that" should be replaced by "Taking note of" and the word "is" after the word "Democracies" should be deleted. In the fifth line of that paragraph the words "the Francophonie" should become "la Francophonie" and, in the last line, the word "areas" should be replaced by "space".

46. In paragraph 1, subparagraph (c), (ii), the words "or other officer authorized by law to exercise judicial power" should be inserted after the word "judge". In subparagraph (d), (ii), the words "in a free and fair process" should be inserted after the word "elected," and the phrase "and free from fraud and intimidation" should be deleted. In subparagraph (d), (iii), the words "as appropriate" should be inserted after the word "measures". In subparagraph (f), (ii), the word "and" in the first line should be deleted, the word "it" inserted after the word "disclosing" and the words "the corruption of" replaced by "all those involved in acts of corruption of and by".

47. In paragraph 2, last line, the words "paragraph 1" should be replaced by "the preceding paragraph". In paragraph 4, read "Member" for "member".

48. Mrs. IZE-CHARRIN (Secretary of the Commission) said that the representatives of Bangladesh, Botswana, Canada, Colombia, Czech Republic, India, Indonesia, Niger, Nigeria, Philippines, Senegal, Sri Lanka and Tunisia and the observers for Belgium, Croatia, Israel, Liechtenstein, Mongola, Slovakia and Slovenia had become sponsors of the draft resolution.

49. Mrs. de ARMAS GARCÍA (Cuba) said that her delegation needed more time to discuss the changes with other delegations and reach consensus. She therefore asked for consideration of the draft resolution to be postponed until 25 April 2000.

50. Mr. DUMITRIU (Romania) said that the revised version of the draft resolution (E/CN.4/2000/L.45/Rev.1) had been available since 18 April 2000. All the requisite procedures had been respected, and he would prefer that the draft resolution were adopted by consensus at the current meeting.

51. Mr. DE ICAZA (Mexico) said that the draft resolution dealt with an important matter. Its revised version (E/CN.4/2000/L.45/Rev.1) contained more than 10 changes of which his delegation had been hitherto unaware. Further changes had been made in a language that was not his own. While his delegation had been instructed to vote in favour of the draft resolution as it had previously appeared in Spanish, it needed further time in which to study the changes and seek instructions from its Government.

52. Mr. SIDDIG (Sudan) and Mr. DESPOUY (Argentina) supported the Cuban request that the decision on the draft resolution be postponed.

53. Mr. DUMITRIU (Romania) said he felt that no more discussion was necessary: as stated in paragraph 5, consideration of the matter would continue at the Commission's fifty-seventh session. There was thus no need to reach a consensus at the current session. While the rules of procedures must be observed, his delegation would prefer action to be taken forthwith. It was prepared, however, to postpone such action to the following meeting.

54. Mr. NAHOYO (Burundi) said that his delegation had received the revised version of the draft resolution (E/CN.4/2000/L.45/Rev.1) earlier that day, and had not had sufficient time to seek instruction concerning the changes. Postponement to the following meeting would not allow sufficient time for such instructions to be sought.

55. Mrs. de ARMAS GARCÍA (Cuba) said that several representatives had stated that they needed to be able to study the changes in their own languages. There was no point in adopting a draft resolution without a consensus. The matter should be postponed until the afternoon of 25 April 2000.

56. Ms. GLOVER (United Kingdom) said that her delegation supported the suggestion by the representative of Romania that a vote should be taken at the following meeting. Document E/CN.4/2000/L.58, which contained the proposed amendments, was not new: it had been available for two days.

57. The CHAIRMAN suggested that a decision be postponed until the following meeting.

58. Mr. FERNANDEZ PALACIOS (Cuba) said that a resolution on democracy should not be imposed in an undemocratic way. He appealed for dialogue. Many delegations needed time in which to study the changes in their own languages and seek instructions from their Governments. He requested that the decision on the draft resolution be postponed until the afternoon of 25 April 2000.

The meeting was suspended at 11.45 a.m. and resumed at 12.10 p.m.

59. Mr. DUMITRIU (Romania) said that, after consultations, the sponsors of the draft resolution were willing to agree that its consideration should be postponed until the 62nd meeting, in order to give delegations time for reflection.

60. It was so decided.

Draft resolution on the question of arbitrary detention (E/CN.4/2000/L.46)

61. Mr. PETIT (France), introducing the draft resolution on behalf of its sponsors, said that the phenomenon of arbitrary detention continued to cause concern. The Working Group on Arbitrary Detention, whose mandate had been renewed for three years at a time

in 1994 and 1997, had addressed 101 appeals to Governments relating to 579 people in 1999, whereas in 1998 there had been 83 appeals relating to 163 people. Consequently, the draft resolution contained a decision to renew the Working Group's mandate.

62. The draft resolution also drew attention to the situation of immigrants and asylum-seekers and encouraged Governments not to extend states of emergency unduly. Other highlights were the Working Group's concern about the situation of human rights defenders and about the excesses of "military justice" that sometimes occurred.

63. Mrs. IZE-CHARRIN (Secretary of the Commission) said that the representatives of Germany and Morocco and the observers for Angola, Bosnia and Herzegovina, Cyprus, Georgia and Uruguay had become sponsors of the draft resolution.

64. Mr. ZIVKOVIC (Office of the High Commissioner for Human Rights), outlining the financial implications, said that, under the terms of the draft resolution, the Commission would decide to renew the Working Group's mandate for three years. The costs of renewing the mandate were estimated at US$ 94,400 per year and the relevant provisions had been included in the Programme Budget for the current biennium 2000-2001.

65. The draft resolution was adopted.

Draft resolution on the question of enforced or involuntary disappearances (E/CN.4/2000/L.47)

66. Mr. PETIT (France), introducing the draft resolution on behalf of its sponsors, said that the total number of cases dealt with by the Working Group on Enforced or Involuntary Disappearances had reached 49,070; the total of unresolved cases was 46,054; and 34 of the 69 countries where there were unresolved cases had not communicated with the Working Group. The draft resolution therefore highlighted the importance of measures to deal with impunity. He drew attention also to paragraph 9, which requested States, international organizations and non-governmental organizations (NGOs) to submit their comments, as a matter of high priority, on the draft international convention on the protection of all persons from enforced disappearance.

67. The Working Group was concerned that, owing to budgetary restrictions, it was not always able to carry out all aspects of its mandate. In particular, it needed to update its database.

68. Mrs. IZE-CHARRIN (Secretary of the Commission) said that the representatives of Germany, Morocco and the Republic of Korea and the observers for Angola, Bosnia and Herzegovina, Cyprus and Georgia had become sponsors of the draft resolution.

69. Ms. RODRIGUEZ-MANCIA (Guatemala), speaking as a sponsor of the draft resolution, underlined the importance of the draft international convention mentioned in paragraph 9, and regretted that no deadline - for example, 31 October 2000 - had been specified. Her delegation attached the utmost importance to the drafting of an international convention. She suggested that the Secretariat might still impose a deadline, so that the matter could be considered at the Commission's fifty-seventh session.

70. Mr. DESPOUY (Argentina), also speaking as a sponsor of the draft resolution, said that his delegation attached a high priority to consideration of a draft convention on enforced or involuntary disappearances. It was to be hoped that, at its fifty-seventh session, the Commission would be in a position to establish a working group to begin drafting the instrument.

71. Mr. ZIMKOVIC (Office of the High Commissioner for Human Rights) said that the draft resolution had no financial implications.

72. The draft resolution was adopted.

Draft resolution on the right to freedom of opinion and expression (E/CN.4/2000/L.48)

73. Ms. BUCK (Canada), introducing the draft resolution on behalf of its sponsors, said that it affirmed the importance of freedom of opinion and expression to the working of a free society. It also reiterated the commitment of the international community to promoting and protecting that right. The text reflected current developments, in particular in respect of the right to freedom of information, and articulated concern over violations of that right. A new paragraph (para. 5) had been added, which expressed concern that high rates of illiteracy continued to exist in the world.

74. The draft resolution encouraged States to ensure that their practice and legislation were in conformity with international standards and the Special Rapporteur was encouraged to focus, inter alia, on the relationship between the right to freedom of expression and violence against women. Cooperation with other bodies working on the issue was also stressed.

75. In the penultimate line of paragraph 13, subparagraph (b), the words "missions and joint" should be deleted, as should the words "relevant rapporteurs, including".

76. Mrs. IZE-CHARRIN (Secretary of the Commission) said that the representatives of Colombia, Ecuador, El Salvador, Germany, India, Madagascar, Nepal and the United States of America, and the observers for Australia, Belgium, Equatorial Guinea, Greece, Israel, Malta, Mongolia, Nicaragua, South Africa, Ukraine and Uruguay had become sponsors of the draft resolution.

77. Mr. ZIMKOVIC (Office of the High Commissioner for Human Rights) said that the draft resolution had no financial implications.

78. The draft resolution, as orally revised, was adopted.

Draft resolution on human rights in the administration of justice, in particular juvenile justice (E/CN.4/2000/L.49)

79. Mr. THEUERMANN (Observer for Austria), introducing the draft resolution on behalf of its sponsors, said that it reaffirmed existing standards in the field of administration of justice, in particular juvenile justice, and called for their better implementation. He drew attention, inter alia, to paragraph 6, which stressed the special need for national capacity-building in the administration of justice, particularly in post-conflict situations. In paragraph 16, positive

mention was made of the activities of the coordination panel on technical advice and assistance in juvenile justice. The text was intended to be complementary to relevant provisions in the "omnibus resolution" on the rights of the child (E/CN.4/2000/L.94).

80. There were some small changes to be made to the text. In paragraph 9, the words "within her mandate" should be inserted, between commas, after the word "reinforce". The first part of paragraph 13 should be modified to read: "Recognizes the necessity of ensuring the effective implementation of relevant international standards relating to juvenile justice, in particular the Convention on the Rights of the Child, and invites States to...", the rest of the sentence remaining unchanged.

81. Mrs. IZE-CHARRIN (Secretary of the Commission) said that the representatives of Brazil, Canada, Guatemala, Japan, Swaziland and the United Kingdom, and the observers for Australia, Belgium, Denmark, the Dominican Republic, Equatorial Guinea, Ethiopia, Israel, New Zealand, Sweden and Ukraine had become sponsors of the draft resolution.

82. Mr. ZIMKOVIC (Office of the High Commissioner for Human Rights) said that the draft resolution had no financial implications.

83. The draft resolution, as orally revised, was adopted.

Draft resolution on the incompatibility between democracy and racism (E/CN.4/2000/L.50)

84. Mr. AMORIM (Brazil) said that he was introducing the draft resolution on behalf of over 50 sponsors from every region and every level of development. Democracy was taking hold on an increasingly global scale. Despite its imperfections, it remained the "surest path" for the protection and promotion of human rights. His delegation was proud to note that its own region was undergoing a "peaceful democratic evolution", having adopted appropriate mechanisms at the regional and subregional levels.

85. The draft resolution - a timely new initiative - focused on a major threat to democracy, namely racism. It was the firm belief of the sponsors that those who espoused racist or xenophobic ideas should not be allowed to invoke the respectability associated with democratic rule to legitimize undemocratic values.

86. Mrs. IZE-CHARRIN (Secretary of the Commission) said that the representatives of Bangladesh, Canada, Nepal, Nigeria, Sri Lanka and the United States of America, and the observers for Azerbaijan, Bolivia, Croatia, Eritrea, Nicaragua and Panama had become sponsors of the draft resolution.

87. Mr. KOH (United States of America) said he welcomed the Commission's efforts to promote democracy as an essential component of universal human rights; the draft resolution was an important part of those efforts. It also served to highlight the obligation of democratic Governments to combat racism, a task to which his own Government was deeply committed. The Commission should continue to focus on "healthy democracy" as a valuable tool in the fight to end racism.

88. It was to be hoped that, by linking the two issues, the draft resolution would empower the Commission to speak more clearly and forcefully whenever racism threatened democracy or fundamental freedoms. One lesson which could be drawn from his own country's history was that responsible government officials should refrain from making statements that incited acts of racial violence.

89. The draft resolution was particularly pertinent, since in recent days, the Government of Zimbabwe had made some deeply troubling comments capable of inflaming racial tensions. Such statements served the cause neither of Zimbabwe nor of democracy or racial justice.

90. Mr. ZIMKOVIC (Office of the High Commissioner for Human Rights) said that the draft resolution had no financial implications.

91. The draft resolution was adopted.

Draft resolution on the right to restitution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms (E/CN.4/2000/L.51)

92. Mr. SALINAS (Chile), introducing the draft resolution on behalf of its sponsors, drew particular attention to paragraphs 2 and 3.

93. A small change to the text had been agreed. In paragraph 3, after the words "non-governmental organizations", the words "having consultative status with the Economic and Social Council" should be added.

94. Mrs. IZE-CHARRIN (Secretary of the Commission) said that the representatives of Canada, Germany, Norway, the Republic of Korea and the United Kingdom, and the observers for Angola, Eritrea, Switzerland and Uruguay had become sponsors of the draft resolution.

95. Mr. ZIMKOVIC (Office of the High Commissioner for Human Rights) said that the draft resolution had no financial implications.

96. The draft resolution, as orally revised, was adopted.

Draft resolution on the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers (E/CN.4/2000/L.53)

97. Mr. DEKANY (Observer for Hungary), introducing the draft resolution on behalf of its sponsors, said that the independence of the judiciary was one of the basic pillars of democracy, the rule of law and respect for human rights and fundamental freedoms. The text was based on resolutions adopted on the same subject in previous years. In its preambular part, it referred to existing instruments and standards and, inter alia, acknowledged the importance of cooperation between the Special Rapporteur on the independence of judges and lawyers and the Office of the High Commissioner for Human Rights (ninth preambular paragraph). It also noted with concern the frequent attacks on the independence of judges, lawyers and court officers (eleventh preambular paragraph). He drew particular attention to paragraphs 4, 6 and 8.

98. Mrs. IZE-CHARRIN (Secretary of the Commission) said that the representatives of Argentina, El Salvador, Germany, Guatemala and India and the observers for Angola, Georgia, Israel, Nicaragua and Sweden had become sponsors of the draft resolution.

99. Mr. ZIMKOVIC (Office of the High Commissioner for Human Rights), outlining the financial implications, said that, under the terms of the draft resolution, the Commission would decide to extend the mandate of the Special Rapporteur for a further three years and would request him to submit a draft report on his activities to the Commission at its fifty-seventh session. The estimated costs were US$ 45,600 per year. Relevant provisions had been included in the Programme Budget for the current biennium 2000-2001. Provisions for 2002-2003 would be included in the proposed programme budget for that biennium.

100. The draft resolution was adopted.

Draft resolution on torture and other cruel, inhuman or degrading treatment or punishment (E/CN.4/2000/L.54)

101. Ms. GRAMBYE (Observer for Denmark) introducing the draft resolution on behalf of the sponsors, said that it condemned all forms of torture. It also recalled that freedom from torture and cruel, inhuman or degrading treatment or punishment was a non-derogable right. Annexed to the draft resolution were the principles on the effective investigation and documentation of torture and other cruel, inhuman or degrading treatment or punishment.

102. Her delegation regretted that the report of the Special Rapporteur (E/CN.4/2000/9 and Add.1-5) had been issued so late. Combating torture was a priority for her Government, and, presumably, for those of other States. The draft resolution constituted a further instrument to that end.

103. Mrs. IZE-CHARRIN (Secretary of the Commission) said that the representatives of Argentina, the Republic of Korea and the Russian Federation and the observers for Angola, Australia, Belarus, Bosnia and Herzegovina, Georgia, Mongolia and Panama had become sponsors of the draft resolution.

104. Mr. ZIMKOVIC (Office of the High Commissioner for Human Rights) said that the draft resolution had no financial implications.

105. The draft resolution was adopted.

The meeting rose at 12.55 p.m.